

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

KENNETH SMITH

Defendant.

CRIMINAL NO. 04-10101-LPC

**GOVERNMENT’S ASSENTED-TO MOTION FOR
TWO-DAY EXTENSION OF TIME TO FILE OPPOSITION TO
DEFENDANT’S DOWNWARD DEPARTURE MEMORANDUM**

On or about October 6, 2004, defendant Kenneth Smith filed and served, by first class mail, a Memorandum in Support of Downward Departure From Sentencing Guidelines. Through this motion, the United States seeks a two-day extension of time within which to file its response to the defendant's departure request, from October 20 to October 22, 2004. Sentencing is scheduled for November 16, 2004. The requested extension will not affect that date.

Counsel for the defendant has assented to this motion.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Michael J. Pineault
Michael J. Pineault
Assistant U.S. Attorney
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Dated: October 20, 2004

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by fax:

Peter M. Daigle, Esq.
1550 Falmouth Road
Centerville, MA 02632

This 20th day of October, 2004

/s/ Michael J. Pineault
Michael J. Pineault